

REMARKS

I. INTRODUCTORY COMMENTS

Claims 1-5, 7-12 and 16-24 are pending in the application. By this Amendment, claims 1-5, 7-12 and 16-17 are amended to more particularly recite the features of the device for processing filter tow material for the production of filters for rod-shaped smoking articles. New claims 18-24 are added. Claim 6 is canceled without prejudice or disclaimer. Claims 13-15 are canceled without prejudice or disclaimer, the subject matter of which is rewritten in new claims 20-22 including changes to more particularly and clearly recite the features of the device for processing filter tow material for the production of filters for rod-shaped smoking articles. The specification and drawings are also amended to overcome the Examiner's objection to the drawings. In view of the foregoing amendments and following remarks, Applicant respectfully submits that the application is in condition for allowance and requests a notice stating the same. Reconsideration and withdrawal of the rejections are respectfully requested.

II OBJECTIONS TO THE DRAWINGS

On page 2 of the Office Action dated August 4, 2009, the drawings were objected to for purportedly failing to show every feature of the invention specified in the claims. In particular, the Office Action cites the "removal device," the "wrapping apparatus," and the "adhesive applicator" recited in claims 16 and 17 as not being shown in the drawings. By this Amendment, Applicant submits eight (8) formal replacement drawing sheets. Replacement drawing sheets 2 and 6, including FIGS. 2 and 6, respectively, are amended to schematically depict the "apparatus for wrapping a material around the filter tow strips", the "adhesive applicator," and the "separate removal devices" recited in claims 16 and 17. No new matter is believed to be added. Support can be found, for example, in paragraphs 00050 and 00051 of the originally filed specification. Entry, consideration and acceptance of the replacement drawings are respectfully requested.

III. OBJECTIONS TO THE CLAIMS

On page 3 of the Office Action, claim 9 was objected to because of a minor informality. By this Amendment, claim 9 is amended to remove the language "at least one of the" in the preamble. Accordingly, the objection is believed to be overcome. Reconsideration is respectfully requested.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

On pages 3-5 of the Office Action, claims 1-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, claims 1-12 and 16-17 are hereby amended to more particularly recite the features of the device for processing filter tow material for the production of filters for rod-shaped smoking articles. Claims 6 and 13-15 are canceled without prejudice or disclaimer, thus rendering the rejection moot with respect to these claims. Reconsideration and withdrawal of the rejection are respectfully requested.

V. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

On pages 5-6 of the Office Action, claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,460,590 to Greiner *et al.* (Greiner). The rejection is respectfully traversed. Nevertheless, in the interests of expediting prosecution, claims 1-5, 7-12 and 16-17 are hereby amended to more particularly recite the features of the device for processing filter tow material for the production of filters for rod-shaped smoking articles. Claims 6 and 13-15 are canceled without prejudice or disclaimer, thus rendering the rejection moot with respect to these claims. Reconsideration and withdrawal of the rejection are respectfully requested.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *see* M.P.E.P § 2131. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 is amended to recite, *inter alia*:

processing apparatuses for processing the filter tow strips,
wherein each tow guideway is assigned a separately controlled
processing apparatus comprising means for drawing a respective one
of the at least two filter tow strips, wherein each means for drawing
comprises a roller pair, and *wherein the roller pair in one of the at
least two tow guideways is arranged coaxial and side-by-side in a*

single unit with the roller pair in the other of the at least two tow guideways to define inner and outer roller pairs.

(emphasis added). Greiner, however, fails to teach or suggest roller pairs in each tow guideway being arranged coaxial and side-by-side in a single unit to define inner and outer roller pairs as recited in amended claim 1. Accordingly, claim 1 is believed to be allowable over Greiner. Claims 2-5, 7-8, and 19 depend variously from claim 1 and are believed to be allowable for at least the same reasons. With respect to claims 7 and 8, Greiner fails to teach or suggest the recited shaft arrangement of the inner and outer roller pairs. Reconsideration and withdrawal of the rejection are respectfully requested.

By this Amendment, claim 9 is rewritten in independent form to include all of the features recited in previous claims 1 and 3 and to more particularly recite the features of the device for processing filter tow material for the production of filters for rod-shaped smoking articles. For example, amended claim 9 recites, *inter alia*:

means for treating compris[ing] a spray box arrangement that extends across the tow guideways, wherein the spray box arrangement is comprises discharge openings in a wall facing the tow guideways, which discharge openings are assigned to the tow guideways for dispensing treatment fluid onto the filter tow strips, and wherein ***a first separating wall is arranged within the spray box arrangement between the tow guideways and a second separating wall is arranged between the tow guideways on the wall facing the tow guideways.***

(emphasis added). Here, Greiner fails to teach or suggest a spray box arrangement including the recited first and second separating walls. Accordingly, claim 9 is believed to be allowable over Greiner. Claims 10-12 depend variously from claim 9 and are believed to be allowable for at least the same reasons. Reconsideration and withdrawal of the rejection are respectfully requested.

By this Amendment, claim 16 is rewritten in independent form to include all of the features recited in previous claim 1 and to more particularly recite the features of the device for processing filter tow material for the production of filters for rod-shaped smoking articles. For example, amended claim 16 recites “a ***separate*** removal device provided at an end of each tow guideway, wherein the removal device comprises a pusher drum or a transfer spider” (emphasis added). Here, Greiner fails to teach or suggest the recited separate removal devices. Accordingly, claim 16 is

believed to be allowable over Greiner. Reconsideration and withdrawal of the rejection are respectfully requested.

By this Amendment, claim 17 is rewritten in independent form to include all of the features recited in previous claim 1 and to more particularly recite the features of the device for processing filter tow material for the production of filters for rod-shaped smoking articles. For example, amended claim 17 recites “an apparatus for wrapping a material around the filter tow strips; and an adhesive applicator for gluing together the wrapping material, wherein *the adhesive applicator comprises first means for applying slow-curing adhesive, and second means for applying fast-curing adhesive*” (emphasis added). It is respectfully submitted that Greiner fails to teach or suggest the recited first and second means for applying, respectively, slow-curing and fast-curing adhesive. Accordingly, claim 17 is believed to be allowable over Greiner. Reconsideration and withdrawal of the rejection are respectfully requested.

VI. NEW CLAIMS 18-24

By this Amendment, new claims 18-24 are added. New dependent claim 18 depends from claim 17 and includes features recited in previous claim 17. New dependent claim 19 depends from claim 1 and includes features recited in previous claim 1. Accordingly, new dependent claims 18 and 19 are respectfully submitted as being allowable for at least the same reasons presented above.

New claims 20-22 reflect the features previously recited in claims 13-15 (now canceled), amended to more particularly recite the features of the device for processing filter tow material for the production of filters for rod-shaped smoking articles. Greiner is not believed to teach or suggest at least “a shaping device for reshaping the filter tow strips into round filter tow rods; and deflection means provided downstream of the shaping device for deflecting the round filter tow rods” as recited in claim 20. Accordingly, claim 20 is believed to be allowable over Greiner. Claims 21-22 depend variously from claim 20 and are believed to be allowable for at least the same reasons.

New independent claim 23 recites, *inter alia*, that “each means for drawing comprises: a roller pair having a first and second rollers, the second roller having a larger diameter than the first roller; and a control element adapted to adjust the second roller in a direction transverse to a rotational axis of the second roller in order to control a contact pressure of the second roller against the first roller.” Support is provided at, for example, original claims 1 and 3 and paragraph 00036

of the originally filed specification. None of the prior art of record, including Greiner, is believed to teach or suggest the features of the roller pair recited in claim 23. New claim 24 depends from claim 23 and is believed to be allowable for at least the same reasons.

Applicant respectfully requests entry and consideration of the foregoing new claims and a notice of allowance indicating the allowability of same.

VII. CONCLUSION

Claims 1-5, 7-12 and 16-24 are pending in the application. All of the stated grounds of objection and rejection are believed to have been properly overcome, traversed, or rendered moot. The Applicant respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. An early notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that a personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration on the merits is respectfully requested.

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Respectfully submitted,

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Attachments: Eight (8) Formal Replacement Drawing Sheets